

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FAROUC SAMEJA,

Petitioner,

v.

SHERIFF OF FRANKLIN COUNTY,

Respondent.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Civil Action No. 19-cv-40141-MGM

**ORDER**

November 1, 2019

MASTROIANNI, U.S.D.J.

Immigration detainee Farouq Sameja (“Sameja”), who is confined at Franklin County Jail, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 (“Petition”) and paid the filing fee. Sameja represents that he has been in immigration custody since February 28, 2019 and that his removal to Tanzania—which was ordered in 2005—is not reasonably foreseeable. He claims that his continued detention violates his right to due process. Sameja names the Sheriff of Franklin County and United States Attorney General William Barr as respondents.

Upon review of the Petition, the Court hereby orders:

1. The Sheriff of Franklin County shall be the sole respondent. *See Rumsfeld v. Padilla*, 542 U.S. 426, 439 (2004) (holding that the immediate custodian of a habeas petitioner is the proper respondent); *Vasquez v. Reno*, 233 F.3d 688, 696 (1st Cir. 2000) (same, as applied to immigration detainee). The Clerk shall terminate Attorney General Barr as a party to this action.

2. The Clerk serve a copy of the Petition upon the Sheriff of Franklin County and the United States Attorney for the District of Massachusetts.

3. Respondent shall, no later than Friday, November 22, 2019, file a motion for the grant or denial of the Petition and a memorandum in support thereof.

4. To give the Court time to consider the matter, unless otherwise ordered by the Court, Sameja shall not be moved outside the District of Massachusetts without providing the Court 48 hours' advance notice of the move and the reason therefor. Any such 48-hour notice period shall commence at the date and time such notice is filed and expire 48 hours later, except "[i]f the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday." Fed. R. Civ. P. 6(a)(2)(C).

It is So Ordered.

/s/ Mark G. Mastroianni  
MARK G. MASTROIANNI  
United States District Judge